Agency's preliminary determination that DEHA does not meet the toxicity criterion of EPCRA section 313(d)(2)(A) because it cannot reasonably be anticipated to cause significant adverse acute human health effects at concentration levels that are reasonably likely to exist beyond facility site boundaries as a result of continuous, or frequently recurring, releases.

EPA has preliminarily concluded that DEHA does not meet the criterion of EPCRA section 313(d)(2)(B) because it cannot reasonably be anticipated to cause teratogenic effects, immunotoxicity, neurotoxicity, or liver, kidney, reproductive, or developmental toxicity or other serious or irreversible chronic health effects. Furthermore, while EPA has classified DEHA as a Group C, possible human carcinogen, clear evidence of carcinogenicity was observed in only one species-sex group (mice-female) in the animal studies. EPA believes that there is a lack of clear evidence of possible carcinogenicity in male mice. Therefore, EPA believes that, overall, the evidence is too limited to establish that DEHA is likely to cause cancer. EPA believes that DEHA has low chronic toxicity and accordingly has considered exposure factors. As stated above, EPA has concluded that anticipated exposure concentrations of DEHA are not expected to result in significant adverse effects. Therefore, EPA has preliminarily concluded that DEHA does not meet the EPCRA section 313(d)(2)(B) listing criterion.

EPA has also preliminarily determined that DEHA does not meet the toxicity criterion of EPCRA section 313(d)(2)(C) because it cannot reasonably be anticipated to cause adverse effects on the environment of sufficient seriousness to warrant continued reporting.

Thus, in accordance with EPCRA section 313(d)(3), EPA is proposing to delete DEHA from the section 313 list of toxic chemicals.

V. Rulemaking Record

A record has been established for this proposed rule under docket number ''OPPTS–400095'' (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as confidential business information (CBI), is available for inspection from noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center, Rm. NE-B607, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at:
ncic@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

VI. References

(1) USEPA, OPPT, EETD. Jenny Tou, ''Chemistry Report on Di(2-ethylhexyl) Adipate,'' dated April 27, 1995.

(2) USEPA, OPPT, CSRAD. Memorandum from Lorraine Randecker to Fred Metz, entitled ''Petition to Delist Di(2-ethylhexyl) Adipate,'' dated May 22, 1995.

(3) USEPA, OPPT, EETD. David Lynch, ''Exposure Assessment for DEHA in Response to Delisting Petition,'' dated March 21, 1995.

VII. Regulatory Assessment Requirements

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Pursuant to the terms of this Executive Order, it has been determined that this proposed rule is not ''significant'' and therefore not subject to OMB review.

EPA estimates that the reduction in costs to industry associated with the deletion of DEHA would be approximately $322,620. The costs savings to EPA are estimated at $8,664, if DEHA is deleted from the EPCRA section 313 list.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act of 1980, the Agency must conduct a small business analysis to determine whether a substantial number of small entities would be significantly affected by the rule. Because this proposed rule eliminates an existing requirement, it would result in cost savings to facilities, including small entities.

C. Paperwork Reduction Act

This proposed rule does not have any information collection requirements subject to the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

D. Unfunded Mandates Reform Act

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995, which the President signed into law on March 22, 1995, EPA has assessed the effects of this regulatory action on State, local or tribal governments, and the private sector. This action does not result in the expenditure of $100 million or more by any State, local or tribal governments, or by anyone in the private sector. The costs associated with this action are described in the Executive Order 12866 unit above.

List of Subjects in 40 CFR Part 372

Environmental protection, Chemicals, Community Right-to-Know, Reporting and recordkeeping requirements, Toxic chemicals.

Dated: July 24, 1995.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, 40 CFR part 372 is amended as follows:

1. The authority citation for part 372 would continue to read as follows:

Authority: 42 U.S.C. 11023 and 11048.

§ 372.65 [Amended]

2. Sections 372.65(a) and (b) are amended by deleting the entry for Bis(2-ethylhexyl) adipate under paragraph (a) and the entire CAS number entry for 103-23-1 under paragraph (b).

[FR Doc. 95–18870 Filed 7–31–95; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR PART 1

[MM Docket No. 95–110; FCC 95–277]

Broadcast Services; Allocations; Automatic Stay

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making.

SUMMARY: This Notice of Proposed Rule Making proposes to delete the automatic stay provision in Section 1.420(f) of the Commission's rules. That rule applies to proposals to amend the FM and TV Tables of Allotments and provides for

an automatic stay upon the filing of a petition for reconsideration of any Commission order modifying an authorization to specify operation on a different channel. The purpose of the proposed amendment is to remove any incentive to challenge an agency order simply to delay institution of expanded service by a competitor, and to expedite provision of improved service to the public.

DATES: Comments are due by August 28, 1995, and reply comments are due by September 12, 1995.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Kim Matthews (202–739–0774), Mass Media Bureau.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making (NPRM) in MM Docket No. 95–110, adopted July 10, 1995, and released July 21, 1995. The complete text of this *NPRM* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Synopsis of Notice of Proposed Rule Making

1. With this Notice of Proposed Rule Making (NPRM), the Commission proposes to delete that portion of Section 1.420(f) of its rules, 47 CFR 1.420(f), which provides for an automatic stay, upon the filing of a petition for reconsideration, of any Commission order modifying an authorization to specify operation on a different channel. The purpose of the proposed amendment is to remove an apparent incentive for the filing of petitions for reconsideration that are largely without merit and to expedite provision of expanded service to the public.

2. Section 1.420(f) provides, in pertinent part:

* * * The filing of a petition for reconsideration of an order modifying an authorization to specify operation on a different channel shall stay the effect of a change in the rules pending action of the petition.

3. Although Section 1.420(f) refers only to petitions for reconsideration, the Commission staff has also applied the automatic stay to orders challenged by applications for review.[1] Our proposal to delete the automatic stay provision for petitions for reconsideration would also eliminate automatic stays in the context of applications for review.

4. The automatic stay was adopted by the Commission in 1975 as part of a provision that requires service of petitions for reconsideration in proceedings for amendment of the FM and TV Tables of Allotments on any licensee or permittee whose authorized frequency could be changed. Thus, it is apparent that the automatic stay was intended to help ensure that affected parties have the opportunity to comment before proposed modifications to their authorizations become effective.

5. Our intent in proposing to delete the automatic stay provision is to discourage parties from filing meritless petitions for reconsideration or applications for review that can substantially delay implementation of improved broadcast service. It is our experience that parties increasingly are filing challenges to approvals of their competitor's proposals to improve service, thereby triggering the automatic stay. Only a very small percentage of these petitions or applications for review are ultimately successful. Because the stay prohibits licensees from constructing modified facilities authorized by the Commission until final resolution of any outstanding reconsideration or application for review,[2] or until the stay is lifted, the stay provides an incentive for parties to challenge agency approval of a competitor's modification proposal simply to forestall institution of new competitive service. These petitions cause unjustifiable expense for parties and absorb valuable staff resources.

6. Elimination of the automatic stay would facilitate implementation of improved service to licensee communities, thereby promoting more efficient use of broadcast spectrum and resulting in significant public interest benefits. Because Section 1.420(f) will continue to require that petitions for reconsideration be served on any licensee or permittee whose authorization could be modified, the rights of these interested parties to be affirmatively informed of actions potentially affecting their interests will continue to be protected.

7. Elimination of the automatic stay, while allowing licensees to commence construction and operation of their modified facilities, would not prejudice final resolution of any challenges to the initial staff decision. Licensees who proceed, where feasible, to construct and operate new facilities in instances in which a petition for reconsideration or application for review is pending bear the risk of an adverse final decision, and must take whatever steps are necessary to comply with the final order. Moreover, the Commission retains the authority to impose a stay in individual cases where circumstances warrant.[3]

8. We propose both to eliminate the automatic stay in prospective cases, and to lift the stay with respect to any petitions for reconsideration or applications for review pending as of the effective date of the Report and Order in this proceeding. We believe that lifting the stay in pending cases will further our objective of expediting provision of improved service to the public. We invite comment on this second aspect of our proposal in particular, as well as on our general proposal to eliminate the automatic stay.

Administrative Matters

9. Pursuant to applicable procedures set forth in Sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before August 28, 1995 and reply comments on or before September 12, 1995. To file formally in this proceeding, you must file an original and four copies of all comments, reply comments, and supporting comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original plus nine copies. You should send comments and reply comments to Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC 20554.

10. This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's rules. *See* 47 CFR 1.1202, 1.1203, and 1.1206(a).

Initial Regulatory Flexibility Analysis

11. Reason for Action: This proceeding was initiated to improve Commission procedures governing proposals to amend the FM and TV Tables of Allotments.

[1] *See Arlington TX*, 6 FCC Rcd 2050, 2051 n. 2 (1991).

[2] *See, e.g., Arlington, TX, supra* n. 1.

[3] *See* 47 CFR 1.102(b), 1.106(n), and 1.115(h).

12. Objectives of the Action: The actions proposed in the *Notice* are intended to reduce the workload in the Allocations Branch of the Policy and Rules Division of the FCC's Mass Media Bureau by eliminating an apparent incentive to challenge agency approval of another station's modification proposal.

13. Legal Basis: The proposed action is authorized under sections 4 and 303 of the Communications Act of 1934, as amended. 47 U.S.C. §§ 154, 303.

14. Reporting, Record-keeping and Other Compliance Requirements: None.

15. Federal Rules which Overlap, Duplicate or Conflict with the Proposed rule: None.

16. Description, Potential Impact and Number of Small Entities Involved: Approximately 11,000 existing television and radio broadcasters of all sizes may be affected by the proposals contained in this *Notice*.

17. Any Significant Alternatives Minimizing the Impact on Small Entities and Consistent with the Stated Objectives: The proposals contained in this *Notice* do not impose additional burdens on small entities.

18. As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in this document. The IRFA is set forth above. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the *Notice*, but they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis. The Secretary shall send a copy of the *Notice of Proposed Rule Making*, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act. Pub. L. No. 96–354, 94 Stat. 1164, 5 U.S.C. Section 601 *et seq* (1981).

List of Subjects in 47 CFR Part 1

Administrative practice and procedure.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95–18802 Filed 7–31–95; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Parts 61, 64, and 69

[CC Docket No. 95–116; FCC 95–284]

Telephone Number Portability

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission adopted a Notice of Proposed Rulemaking (Notice) seeking comment on a wide variety of policy and technical issues concerning the portability of telephone numbers. Number portability is the ability of end users to retain their telephone number when they switch to a new service provider, a new location, or a new service. Number portability provides consumers with greater personal mobility and flexibility in the way they use telecommunications services, and it fosters competition among alternative providers of local telephone and other telecommunications services. Through this Notice the Commission will examine the overall benefits, technical feasibility, and implementation costs of number portability in various forms.

DATES: Comments must be received on or before September 12, 1995; reply comments must be received on or before October 12, 1995.

ADDRESSES: Comments and reply comments must be filed with the Office of the Secretary, Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554; one copy shall also be filed with the Commission's copy contractor, International Transcription Services, Inc. (ITS, Inc.), 2100 M Street, NW., Suite 140, Washington, DC 20037 (202/857–3800). The complete text of this Notice is available for inspection and copying during normal business hours in the FCC Reference Center, 1919 M Street, NW., Room 239, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Matthew J. Harthun, (202) 418–1590 or Carol E. Mattey, (202) 418–1580, Policy and Program Planning Division. Common Carrier Bureau.

SUPPLEMENTARY INFORMATION:

Synopsis of Notice of Proposed Rulemaking

A. Portability for Geographic Telephone Numbers

The Commission tentatively concludes that the portability of geographic telephone numbers benefits consumers by providing them greater personal mobility and flexibility in the use of telecommunications services and by contributing to the development of competition among alternative providers of local telephone and other telecommunications services. The Commission seeks comment on this tentative conclusion and on the public interest benefits of number portability. Furthermore, the Commission tentatively concludes that it should assume a leadership role in developing a national number portability policy due to the impact on interstate telecommunications. It seeks comment on this tentative conclusion and on the specific nature of the Commission's role. The Commission recognizes, however, that it has insufficient information on the costs (monetary and nonmonetary) of making geographic telephone numbers portable either between service providers, services, or locations. Therefore, it seeks comment on: (1) The feasibility, limitations and costs of longer-term number portability solutions; (2) the feasibility, limitations, and costs of interim number portability measures; and (3) issues associated with a transition to a permanent number portability environment.

1. Importance of Number Portability

1. *Service Provider Number Portability*. In light of its tentative conclusions that the portability of geographic numbers benefits consumers and would contribute to the development of competition among alternative providers of local telephone services, the Commission identifies, and seeks comment on, specific issues concerning the competitive impact of number portability.

2. The competitive importance of service provider number portability depends primarily on the value that customers assign to their current telephone numbers. When end users attach a significant value to retaining their telephone numbers while changing service providers, a lack of number portability likely would deter entry by competitive providers of local services. Business customers, in particular, may be reluctant to incur the administrative, marketing, and goodwill costs of changing telephone numbers. These disincentives to changing service providers may be mitigated, however, if a significant number of customers change their telephone numbers for other reasons. Both residential and business customers change their numbers for a variety of reasons; for example, customers move to areas served by different central offices. Moreover, changes in area codes, such as area code splits or overlays, create a certain level of number churn.

3. The Commission asks commenting parties to provide studies, data, and